

IRA JEAN PEBWORTH

IBLA 79-238

Decided January 14, 1980

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting Indian allotment application. OR 20176 (Wash.).

Affirmed.

1. Indian Allotments on Public Domain: Generally

An application for an Indian allotment, filed pursuant to 25 U.S.C. § 334 (1976), must contain a land description sufficient for the land applied for to be identified on official BLM records, or the application is subject to rejection.

APPEARANCES: Ira Jean Pebworth, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Ira Jean Pebworth appeals a January 26, 1979, decision of the Oregon State Office, Bureau of Land Management (BLM), which rejected her Indian allotment application, OR-20176 (Wash.). The application was filed pursuant to the General Allotment Act of February 8, 1887, 25 U.S.C. § 334 (1976), as amended. On the application form, appellant listed county tax lot numbers, rather than the appropriate subdivisions for these lands in T. 28 N., R. 2 E., sec. 22 and in T. 23 N., R. 9 E., sec. 33, Willamette meridian, King and Island Counties, Washington. The decisions stated that "[t]he application is not acceptable unless the descriptions conform to the official legal descriptions."

The decision also noted in passing that most of the lands appellant desired were unavailable. With the decision, BLM sent appellant master title plats and a guide for using the land records. Although appellant has filed a second allotment application, the application herein under consideration has not been withdrawn. Rather, appellant lists the following reasons for her appeal from the BLM decision:

1. Technically the state uses 4 positions for lot numbers and BLM uses only the last position.

2. If the state of Washington cannot come to an agreement after all these many years on lots 4, 6, and 7, I feel we should find if BLM is holding this in their lap or is the state of Washington. It could well be lost after filing so many years.

[1] The filing procedure for Indian allotment applications is outlined in 43 CFR 2531.2(a):

Any person desiring to receive an Indian allotment * * * must file with the authorized officer an application, together with a petition on forms approved by the Director, properly executed, together with a certificate from the authorized Officer of the Bureau of Indian Affairs that the person is Indian and eligible for allotment * * *.

The application form here was not properly completed with respect to land descriptions. The land applied for could not be identified on official BLM records. Therefore, rejection was proper.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Joan B. Thompson
Administrative Judge

